IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.3427 of 2006

Mr.Ravindra Ramchandra More Petitioner
Vs.
Mrs.Ritika Ravindra More & anr. Respondents

Mr.Niyaz Ahmad for petitioner.

CORAM: B.H.MARLAPALLE,J.

June 12, 2006.

P.C.

. Heard Mr.Ahmad, the learned counsel for the petitioner-husband who has filed a divorce petition registered as Marriage Petition No.130 of 2005 before the learned Civil Judge, Senior Division at Kalyan under the Hindu Marriage Act, 1955. In the said petition the respondent-wife moved an application at Exhibit 9 and claimed for maintenance under Section 24 of the Act. The said application came to be partly allowed by the learned Civil Judge, Senior Division on 14/3/2006 and hence this petition.

. While opposing the application for interim maintenance the husband by filing his Say at Exhibit 15 to the application opposed it mainly on the ground that the wife possessed the qualifications of S.S.C., D.Ed. and she was taking tuitions wherefrom she was

earning about Rs.3000/- per month. The trial Court noted that there was no proof that the wife was earning Rs.3000/- per month by way of tuitions though she had admitted that she is capable of taking tuitions. On the point of the petitioner's monthly salary the trial Court noted that he was drawing about Rs.11,000/- per month and had also landed property at his native village. The petitioner-husband had claimed deductions at Rs.5,545/- from his salary and submitted that his take home salary was so low that the application for interim maintenance could not be granted. The Court noted that the deductions by way of loan etc. could not be treated as statutory deductions and, therefore, the husband could not rely upon the same to oppose the application for interim maintenance. The trial Court also noted that the requirements for entertaining the interim maintenance application were two-fold viz. the applicant was married to the respondent-husband and thus she was a legally wedded wife and she had no independent means of income. After assessing the monthly salary of the husband and the expenditure requirements for maintenance of the wife and her son, the trial Court has granted Rs.1500/- per month to the wife and Rs.1000/- per

month to the minor son by way of interim maintenance.

. The reasoning set out by the trial Court in the impugned order in allowing the application filed by the wife partly cannot be termed as perverse or grossly erroneous so as to cause interference in the same under the supervisory powers of this Court under Article 227 of the Constitution.

. The petition is, therefore, rejected summarily.

(B.H.MARLAPALLE,J.)